

Principal Certifier Service Agreement

Section 6.6(1) of the *Environmental Planning and Assessment Act 1979* & Section 73A of the *Building Professionals Act 2005*

Expiry Date: 30 June 2019

About this form

This is a service agreement to be completed where **Woollahra Municipal Council is appointed as the Principal Certifier** ("the PC"), in accordance with section 6.6(1) of the *Environmental Planning and Assessment Act 1979*, to carry out nominated inspections of the building works and to issue required Occupation Certificates.

This Agreement complies with the requirements of section 73A of the *Building Professionals Act 2005*.

Documentation

This agreement must be submitted with the Notice of Commencement where Council is being appointed as the Principal Certifier. Ask us for a copy of the Notice of Commencement.

PC Service and Inspection Fees

Principal Certifier service and inspection fees are payable upon appointment and the fees are detailed in Council's adopted Statement of Fees and Charges, details of which are available from Council's Customer Service section.

Any questions

Phone Customer Service on (02) 9391 7000, or call in personally. (See page 5)

▼ Owner and site details

1. Owner's name, address and contact details.

Title: Mr Mrs Miss Ms Other:.....
Family name (or company):
Given names (or ACN):.....
Postal address:.....
..... Post Code:.....
Phone (B) (....).....Fax (....).....
Phone (H) (....)E-mail:
Contact person (Only if a company etc)

2. Location and title description of the property

This will help us to correctly identify the land

Unit, shop or suite: Street No: Street:
Suburb:
Lot(s): Section:
Deposited Plan(s): Strata plan:
Other:

Get these details from rate notices, property deeds, or Council property maps.

▼ Development approval details

3. Description of development

.....
.....
.....

4. Type of work

Building Subdivision

Development approval details continued

5. Development Consent or Complying Development Certificate (CDC)

Development Consent No.: Determination Date: / /

Consent Authority:.....

OR

CDC No.:..... Determination Date: / /

6. Construction Certificate(s)

Not required if a Complying Development Certificate has been issued

Construction Certificate No.: Issue Date: / /

Construction Certificate No.: Issue Date: / /

Construction Certificate No.: Issue Date: / /

7. Contract Value of Development

\$

8. Quality of Service

Woollahra Municipal Council will undertake inspections of the work during construction and prior to issuing an Occupation Certificate, to ascertain compliance of specified stages of construction with the Development Consent, Construction Certificate, Building Code of Australia and relevant standards of construction.

Certification work under this Agreement may be carried out by any of the following employees of the Council subject to the terms of their accreditation;

Officers Name	Accreditation Level	Registration No:
Glenn Lawrence BRIGGS	A1 – Accredited Certifier	BPB0947
Richard Alan SMITH	A1 – Accredited Certifier	BPB1916
Craig Norburn JENNER	A1 – Accredited Certifier - Conditional	BPB1691
Timothy John TUXFORD	A1 – Accredited Certifier - Conditional	BPB1627
Harley John FEE	A2 – Accredited Certifier - Conditional	BPB1669
Konstantine RAISSIS	A3 – Accredited Certifier	BPB1601
Ayman TAWFILS	A3 – Accredited Certifier – Conditional	BPB1405

Any other employee of Woollahra Municipal Council with appropriate accreditation under the *Building Professionals Act 2005*

9. Building Inspection

Council building inspections are undertaken at critical phases of the building process.

Council, acting as the PC, may at any stage request the Owner or the Owner's Builder to provide specialist reports, plans, specifications and certification of building materials, process or works. Work must not proceed beyond each stage until a satisfactory inspection result is obtained.

Typical documents include:

- *Engineer's plans*
- *Engineer's reports*
- *Engineer's certification*
- *Compliance Certificates*
- *Fire Safety Certificates.*

WOOLLAHRA MUNICIPAL COUNCIL will complete this section of the form and return it to you at the pre-commencement inspection. Please refer to your responsibility under this agreement to ensure that Council is given not less than 48 hours notice (excluding weekends and public holidays) of when works are ready to be inspected.

Woollahra Municipal Council will carry out Principal Certified and inspection services in a professional manner and in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Council's Code of Conduct*.

Inspections required under the *Environmental Planning and Assessment Act 1979* may be carried out by any of the following employees of the Council subject to the terms of their accreditation;

Officers Name	Accreditation Level	Registration No:
Glenn Lawrence BRIGGS	A1 – Accredited Certifier	BPB0947
Richard Alan SMITH	A1 – Accredited Certifier	BPB1916
Craig Norburn JENNER	A1 – Accredited Certifier - Conditional	BPB1691
Timothy John TUXFORD	A1 – Accredited Certifier - Conditional	BPB1627
Harley John FEE	A2 – Accredited Certifier - Conditional	BPB1669
Konstantine RAISSIS	A3 – Accredited Certifier	BPB1601
Ayman TAWFILS	A3 – Accredited Certifier – Conditional	BPB1405

Any other employee of Woollahra Municipal Council with appropriate accreditation under the *Building Professionals Act 2005*

Development approval details *continued*

Building Inspection continued

The following stages of construction are required to be inspected by Council prior to proceeding to the next stage of construction or covering up works required to be inspected:

- | | |
|--|--|
| <input type="checkbox"/> Pre-commencement | <input type="checkbox"/> Fire resistant construction systems |
| <input type="checkbox"/> Shoring of excavation work | <input type="checkbox"/> Fire protection at service penetrations |
| <input type="checkbox"/> Contiguous piers or piling | <input type="checkbox"/> Mechanical Ventilation |
| <input type="checkbox"/> Underpinning | <input type="checkbox"/> Smoke detection and alarm systems |
| <input type="checkbox"/> Foundations/footings | <input type="checkbox"/> Sound transmission and insulation systems |
| <input type="checkbox"/> Damp-proof course | <input type="checkbox"/> Stormwater drainage systems |
| <input type="checkbox"/> Steel reinforcement | <input type="checkbox"/> Swimming pool fencing |
| <input type="checkbox"/> Retaining walls | <input type="checkbox"/> Finalisation of works |
| <input type="checkbox"/> Floor, wall and roof timbers | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Steel beams, columns or framing | |
| <input type="checkbox"/> Waterproofing of wet areas | |

10. Occupation Certificate

Woollahra Municipal Council's PC service charge includes the issuing of an Occupation Certificate, however, the issuing of multiple Occupation Certificates require payment of an additional service fee.

An Occupation Certificate must be obtained from Woollahra Municipal Council prior to the occupation or use of a new building (or part of a building) and prior to the change of an existing building use/classification.

Only the Principal Certifier can issue an Occupation Certificate and the *Environmental Planning and Assessment Act 1979* contains penalty provisions for failing to obtain the required Occupation Certificate.

Woollahra Municipal Council will process and determine the Occupation Certificate application.

11. Other Services

These services will attract additional fees and charges.

Woollahra Municipal Council can provide a range of additional certification services, including issuing of Compliance Certificates, details of compliance with Council's development consent and provision of technical building and fire safety advice. The provisions of these services are not covered by this agreement.

12. Compliance with relevant legislation, consent and approvals

*Works not in accordance with the approval and Building Code of Australia may result in the refusal to issue an Occupation Certificate.
Council may also serve notices and orders to comply with the approval and/or may institute legal proceedings for any breach.*

It is the agreed responsibility of the Owner and their Builder or sub-contractors, where the Owner is the Builder that they must comply with all relevant legislation, consents and approvals relating to the subject development.

These include but are not limited to the following Acts and Regulations there under:

- The *Environmental Planning and Assessment Act 1979*
- The *Contaminated Land Management Act 1997*
- The *Protection of the Environment Operations Act 1997*
- The *Local Government Act 1993*
- The *Roads Act 1993*
- The *Traffic Act 1909*

It is agreed that the Owner has a duty of disclosure with respect to any known breach of any relevant legislation or matter that may require rectification or remediation. An example being the discovery of land contamination.

13. Booking your inspections

Where required inspections are not called for as required by Development Consent conditions or this agreement:

- 1 *This agreement may be terminated by Council without warning,*
- 2 *Penalty Infringement Notices may be issued to the Owner and/or Builder.*

A minimum of 48 hours notice (excluding weekends and public holidays) must be given to the Council to enable the specified stages of construction to be inspected, as identified in item 9 of this agreement.

The Owner must ensure that all trades personnel are advised of the required inspections and that the directions of the Council Accredited Certifiers are to be observed to ensure compliance with the development consent, Construction Certificate, Building Code of Australia and the term of this agreement.

Inspections must be booked in by telephoning Council's Building & Compliance Section on 9391-7144 or 9391 7152, 8:00am to 4:30pm Monday to Friday.

Building works must not proceed to the subsequent stages of construction prior to obtaining a satisfactory inspection from the Council for each stage of construction specified in item 9 of this agreement.

14. Structural engineering and other specialist details

This section will be completed by Council.

Details required must be submitted to the Woollahra Municipal Council before the commencement of any such works.

Examples:

- 1 Shoring and underpinning details shall be submitted prior to beginning any demolition of any structure or excavation of any earth which may provide support to adjoining structures.*
- 2 Termite protection and slab reinforcing details must be provided before such work commences.*

The following details are to be forwarded to Woollahra Municipal Council prior to the commencement of construction (as identified by) and the details are to confirm compliance with the relevant provisions of the BCA and Australian Standards, to the satisfaction of Woollahra Municipal Council:

- Dilapidation Report
- Site Management Plan
- De-watering, erosion and sedimentation plans and specifications
- Engineering details for excavation, shoring, underpinning works and support of adjoining land
- Engineering details (including all beams, columns, tie down, wind bracing, roof trusses)
- Stormwater drainage details (including onsite detention if required)
- Termite protection method and details
- Glazing details
- Mechanical ventilation details
- Wet area construction details
- Details of fire resisting construction
- Details of essential fire and other safety measures
- Sound transmission and insulation details
- Manufacturers details of the swimming pool

15. Compliance Certificates and Survey Reports

This section will be completed by Council.

Survey reports and compliance certificates must be produced, respectively, by:

- 1 Surveyors registered under the Surveyors Act 1929,*
- 2 Surveyors accredited under the Professional Surveyors' Occupational Association NSW Inc. Scheme.*

The Council Accredited Certifiers may reduce the requirement for surveys at each level in the case of multi-storey buildings, please discuss with the Council Accredited Certifier

To ensure that the height, bulk, area and location of the development complies with development consent the consent, the following survey reports are required to be submitted to Council:

- Survey showing the setting out of the development including recovery points, the reduced level of each recovery point (to AHD), bearing and distances to boundaries and all proposed structures relative to all recovery points.
- Survey showing the height and location of foundation walls, form work for floor slabs and the reduced level of each floor level (to AHD) prior to the pouring of concrete or erection of walls at each level of the structure.
- Survey showing the height and location of retaining walls and fences (to AHD) prior to back filling of retaining walls or upon completion of fence erection.
- Survey showing the height and location of the uppermost ceiling level, eaves level and ridge level (to AHD) prior to the lining of the ceiling or the cladding of the roof.
- Survey showing the height and location of the swimming pool coping and the reduced level of the swimming pool coping prior to the pouring of concrete.
- Other:

Development approval details *continued*

16. Compliance Certificates and other Certification

This section will be completed by Council.

A delay in providing required Compliance Certificates and other Certificates will result in delays in obtaining Occupation Certificates.

Any delay in the issue of Occupation Certificates will delay the signing of linen plans of Strata or Torrens subdivision where such development forms part of Development Consent.

It is incumbent upon the Owner and Owner's representatives to supply all required certificates in a timely manner to enable Council to process applications to occupy, use or subdivide property.

To ensure compliance with the Construction Certificate and *Building Code of Australia* (BCA), the applicant, Owner or Builder is required to provide certification to the Council (at the relevant stage of construction), verifying that the following specialist matters (identified by a) have been carried out in accordance with the relevant requirements of the BCA, Australian standards and details under section 14 of this agreement:

- | | |
|--|--|
| <input type="checkbox"/> Shoring and/or Underpinning support for adjoining properties | <input type="checkbox"/> Mechanical ventilation (including works as executed plans) |
| <input type="checkbox"/> Contiguous piers or piling | <input type="checkbox"/> Hydraulic services (including works as executed plans) |
| <input type="checkbox"/> Structural engineering work (beam, columns, slabs, frames) | <input type="checkbox"/> Termite control and protection |
| <input type="checkbox"/> Retaining walls | <input type="checkbox"/> Waterproofing of wet areas |
| <input type="checkbox"/> Stormwater drainage works (including works as executed plans) | <input type="checkbox"/> Installation of glazing |
| <input type="checkbox"/> Landscaping works | <input type="checkbox"/> Installation of smoke alarm systems (for single dwelling house) |

Final Fire Safety Certificate must be submitted with the Occupation Certificate Application in relation to Class 2 to 9 buildings inclusive.

Certification required to be prepared by an accredited certifier or other suitably qualified and experienced person and must reference the relevant provisions of the Building Code of Australia, Australian Standards and approved drawings, to the satisfaction of Woollahra Municipal Council.

17. Occupation Certificate

This agreement includes the assessment and determination of the Occupation Certificate however, where the Owner seeks multiple Occupation Certificates additional fees and charges apply in accordance with Council's adopted fees and charges.

The Owner agrees that an Occupation certificate must be obtained from Woollahra Municipal Council prior to the occupation or use of a new building (or part of a building) or prior to the change of an existing building use/classification.

An application for an occupation certificate must be accompanied by final or interim fire safety certificates as required by the *Environmental Planning and Assessment Act* (Form 15). The production of Fire Safety Certificates does not form part of this agreement and is only required for Class 2 to 9 buildings inclusive.

18. Public Liability

The applicant must ensure that valid public liability insurance cover to the value of \$10,000,000 (minimum), is held by the applicant and/or Builder.

19. Notification of change of address etc.

The Owner is required to notify Council, in writing, of any change in details of address of the Owner, applicant or Builder.

Miscellaneous

20. Expiration and cancellation of agreement

This agreement shall (unless extended by further agreement) expire two (2) years after the date of the agreement and Woollahra Municipal Council may cancel the agreement without notice if there is a breach of the agreement.

Signatures

21. Council's signature

Council's Building Certifier will complete this Section

Woollahra Municipal Council agrees to the provision of services detailed by this agreement subject to the Owner supplying plans, specification, engineering/other details, Compliance Certificates, Certificates, Survey Reports and obtaining required public liability insurance in accordance with this agreement.

Council Accredited Certifier (printed):

Signature: Date:

Signed/executed by or on behalf of the Council

Signatures continued

22. Owner's signature

Must be signed by the Owner of the land. If more than one Owner, every Owner must sign.

If the Owner is a company or Owner's declaration, must be signed by a director or secretary under common seal.

As the Owner of the land to which this agreement relates, I agree to the appointment of Woollahra Municipal Council as the Principal Certifier under Section 6.6(1) of the *Environmental Planning and Assessment Act 1979*. I also give consent for authorised Council officers to enter the land to carry out inspections. I declare that all the information given is true and correct.

☒ Signature: Date:.....

☒ Signature: Date:.....

If you are signing on the Owner's behalf as the Owner's legal representative, please state the nature of your legal authority and attach documentary evidence.

.....
(eg, power of attorney, executor, trustee, company director)

How to lodge this application

Address the application to:

The General Manager
Woollahra Municipal Council

You can send it to us by any of the following methods

Post: PO Box 61
Double Bay 1360

DX: DX 3607 Double Bay

Courier or personal delivery: Council Chambers
536 New South Head Road
Double Bay NSW 2028

How to contact us by phone, fax or electronically

Phone: (02) 9391 7000

Fax: (02) 9391 7044

Email: records@woollahra.nsw.gov.au

Web: www.woollahra.nsw.gov.au

Who to contact: The Building and Compliance Officer
handling your development.

If you wish to discuss an agreement with one of our Building & Compliance Officers, it's essential that you arrange an appointment.

Fees

Fees are calculated on a scale based on the contract value of the work, as adopted in Council's Delivery Program and Operational Plan.

Payment methods

In Person

Payment can be made at our Customer Service Centre by the following methods: cash, EFTPOS, cheque, Money Order (make payable to Woollahra Council) or by credit card — American Express, Diners Club, MasterCard or Visa. Credit card payment will incur a processing fee.

By Mail

For credit card payments, please complete the attached "Credit Card Payment" form.

For cheque payments, please make payable to Woollahra Council.

Acknowledgement

You will receive a receipt specifying the amount of fees paid.

Making a personal visit?

Woollahra Council is located at 536 New South Head Road, Double Bay. We look forward to seeing you.

Bus or Rail: Train to Edgecliff and take the bus or walk from the interchange at the Edgecliff Centre.

Parking: Short term customer parking spaces are available on site. On street parking in nearby streets is also available.

Principal Certifying Authority – Appointment & Inspection Fees

OFFICE USE ONLY

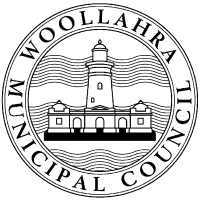
The **PC Service fee** is for the services listed above and includes GST.

Any additional inspections will be charged at an hourly rate of \$190.00, inclusive of GST

Fee description	Fee amount	Account Code	Receipt No.	Date	☒ Cashier
PC Service Fee		56			
Total:					

Privacy notification

The personal details requested on this form are required under the *Environmental Planning and Assessment Act 1979* and will only be used in connection with the requirements of this legislation. Access to this information is restricted to Woollahra Municipal Council officers and other people authorised under the Act. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register.



Credit Card Payment Form

All credit card payment will incur a processing fee currently 0.55%

Payments should be sent to: Woollahra Council
536 New South Head Road
DOUBLE BAY NSW 2028

OR

PO Box 61
DOUBLE BAY NSW 1360

OR

DX 3607 DOUBLE BAY

Credit card payment

This matter will not be processed until the credit card payment has been authorised

Tick Applicable Credit Card	<input type="checkbox"/> AMERICAN EXPRESS	<input type="checkbox"/> DINERS CLUB	<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> VISA																
Full Name on Credit Card																				
Credit Card No.				--					--											
Card Expiry Date			--			Total Amount Paid	\$													
Cardholder's Signature																				
Date								Contact Phone No.												

Reason for payment

Please indicate in this section the reason for the payment and any other applicable information.

Payment For _____

Council Reference Eg. DA No.etc _____

Address (where applicable) _____

PRIVACY NOTIFICATION

The personal details requested on this form are being collected, and will only be used for, the purpose of processing your payment. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council will not be able to process your payment. Access to the information is restricted to Council officers. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council.

OFFICE USE ONLY

Payment Processed Yes No

Cashier _____

Date _____